

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 14.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

C.M.A. No.1490 of 2006

and

C.M.P. No.6665 of 2006

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
No.37, Mettupalayam Road,
Coimbatore.

... Appellant

Vs.

1. Muthusamy

2. V.Thamizharasu (Driver Given-up) ... Respondent

Appeal against the Judgment and award made in M.C.O.P. No.763 of 1999, dated 23.12.2005, on the file of the Motor Accidents Claims Tribunal (Additional District Court), Fast Track Court No.5, Coimbatore, Tiruppur.

Counsel for appellant : Ms.S.Geetha

JUDGMENT

Aggrieved by the award of the Motor Accidents Claims Tribunal (Fast Track Court No.5), Coimbatore at Tiruppur, in MCOP No.763 of 1999, dated 23.12.2005, Tamil Nadu State Transport Corporation Limited, Coimbatore, has filed the present Appeal.

2. In respect of grievous injuries sustained in a Motor Vehicle Accident that took place on 23.11.1998, the first respondent herein prayed for a compensation of Rs.15,00,000/-. The Tribunal, on appreciation of the oral and documentary evidence, passed an award for Rs.9,73,000/- with interest at 9% per annum. Questioning the same, the Transport Corporation has filed the present Appeal.

3. Even at the outset, learned counsel for the appellant fairly states that they are mainly aggrieved with regard to the quantum determined by the Tribunal.

4. Before the Tribunal, the claimant himself was examined as PW-1, his friend was examined as PW-3 and the Doctor, who assessed the disability, was examined as PW-2. Ex.P-2 is the wound certificate issued by Ganga Hospital. The certificate discloses various injuries/fracture in the right leg. Ex.P-3 is the Discharge Certificate, which shows that the injured/claimant was admitted on 23.11.1998 and discharged on 23.12.1998 and that he had treatment as in-patient for a period of one month. Ex.P-4, another Discharge Summary shows that he was again admitted on 16.01.1999 and discharged on 27.01.1999. Thereafter, he was admitted in Miot Hospital, Chennai, on 20.12.1999 and discharged on 28.1.2000. Ex.P-5 corroborates the same. Again, he was admitted on 17.03.2000 and discharged on 28.3.2000. Once again, he was admitted on 24.07.2000 and discharged on 25.07.2000. Thereafter, he was admitted on 05.05.2001 and discharged on 25.07.2001. Again, he was admitted on 05.05.2001 and discharged on 07.05.2001. Even thereafter, he was admitted on two occasions and discharged on 02.08.2001. Ex.P.6 also discloses that he was admitted in Kovai Medical Centre Hospital on 03.09.2001 and discharged on 17.09.2001, thereafter, again admitted on 25.10.2001 and discharged on 09.11.2001. Again, he was admitted on 19.01.2004 and discharged on 23.01.2004. This is evident from Ex.P-7.

5. PW-2, who assessed the disability, deposed before Court and explained the nature of fracture sustained by the claimant. Ultimately, he assessed the disability to the extent of 73.30%. The Disability Certificate has been marked as Ex.P-11 and the X-Ray as Ex.P-12.

6. Taking note of the length of treatment in the Hospitals, the evidence of PW-2, percentage of disability assessed by PW-2, Expenses incurred, pain and suffering underwent during the period of treatment, etc., the Tribunal passed the award for a sum of Rs.9,73,000/-. Though learned counsel for the appellant submitted that the amount awarded for medical expenses is on the higher side, inasmuch as the Tribunal awarded the said amount based on the medical bills issued by various hospitals, I reject the said contention.

7. On going through the materials and considering the duration he underwent treatment and the disability as assessed by PW-2, I am satisfied that the amount awarded by the Tribunal is just and reasonable. I do not find any ground for interference. Consequently, Appeal fails and the same is dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

JI.

Sd/
Asst.Registrar

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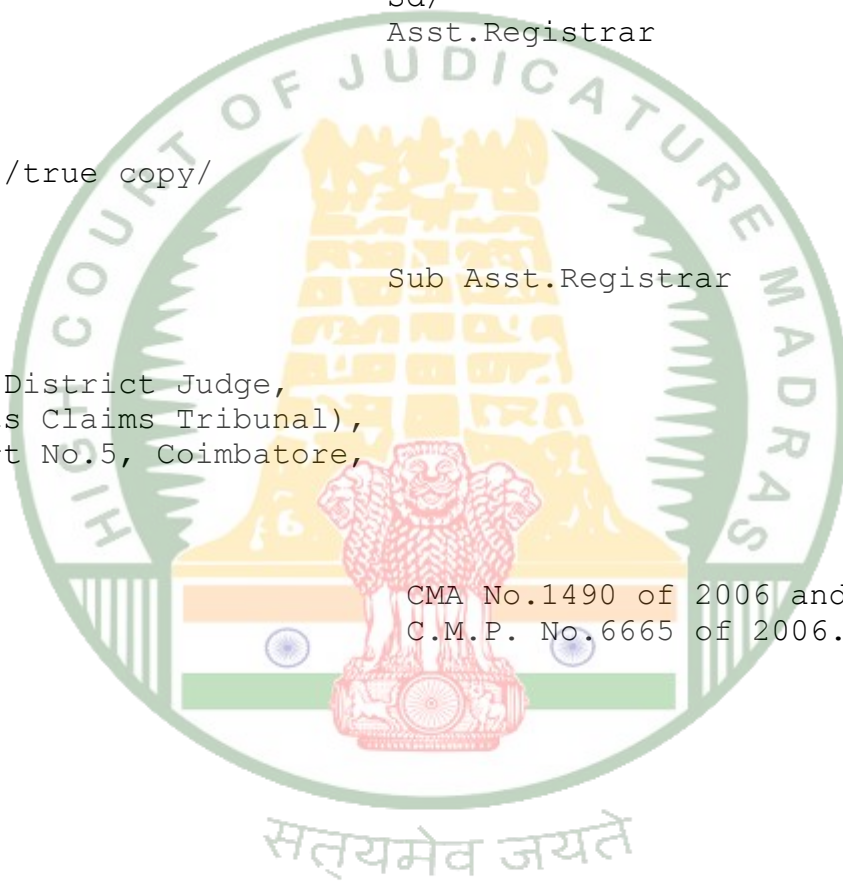
Sub Asst.Registrar

To

The Additional District Judge,
(Motor Accidents Claims Tribunal),
Fast Track Court No.5, Coimbatore,
Tiruppur.

AK(CO)
SR/21.6.2006

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